

E-Filed on 10/20/09

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10 Attorneys for Creditor
 AMTRUST BANK
 11

12 UNITED STATES BANKRUPTCY COURT

13 DISTRICT OF NEVADA, LAS VEGAS DIVISION

14 In re
 15 USA COMMERCIAL MORTGAGE
 COMPANY,
 16 Debtor.

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

Chapter 11

18 USA CAPITAL REALTY ADVISORS, LLC,
 19 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

20 USA CAPITAL DIVERSIFIED TRUST DEED
 21 FUND, LLC,
 22 Debtor.

**DECLARATION OF AMBRISH S. SIDHU
 IN SUPPORT OF AMTRUST BANK'S
 MOTION FOR RELIEF FROM THE
 AUTOMATIC STAY**

Date: November 13, 2009
 Time: 9:30 a.m.
 Place: Courtroom 1
 Foley Federal Building
 300 Las Vegas Blvd., South
 Las Vegas, Nevada

23 USA CAPITAL FIRST TRUST DEED FUND,
 24 LLC,
 25 Debtor.

26 USA SECURITIES, LLC,
 27 Debtor.
 28

1 AFFECTS:

2 ☒ All Debtors
3 ☒ USA Commercial Mortgage Company
4 ☒ USA Capital Realty Advisors, LLC
5 ☒ USA Capital Diversified Trust Deed
6 ☒ Fund, LLC
7 ☒ USA Securities, LLC.

8 I, AMBRISH S. SIDHU, declare as follows:

9 1. I am an attorney at law duly admitted to practice law before this Court and am a
10 member of the Sidhu Law Firm, LLC, local counsel for creditor, AmTrust Bank ("AmTrust"), in
11 the above-captioned action. I have personal knowledge of the facts set forth in this declaration
12 and, if called as a witness, I could and would testify competently to such facts under oath.

13 2. I submit this declaration in support of AmTrust's Motion for Relief from the
14 Automatic Stay (the "Motion").

15 3. Pursuant to Local Rule 4001, on October 12, 2009, I caused a letter to be faxed and
16 mailed to Rob Charles on behalf of the USACM Liquidating Trust (the "Trust") in an attempt to
17 meet and confer regarding the Motion. Attached and incorporated herein as Exhibit "1" is a true
18 and correct copy of my October 12, 2009 letter.

19 4. On October 13, 2009, I received a response to my letter the Trust. Attached and
20 incorporated herein as Exhibit "2" is a true and correct copy of the Trust's response letter.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct.

23 Executed this 20th day of October 2009, at Las Vegas, Nevada.

24 

25 AMBRISH S. SIDHU
26
27
28

EXHIBIT 1

SIDHU LAW FIRM, LLC

ATTORNEYS AT LAW

810 S. CASINO CENTER BLVD., SUITE 104
LAS VEGAS, NEVADA 89101
TEL: (702) 384-4436 • FAX: (702) 384-4437

October 12, 2009

**Via Facsimile 702-949-8398
and Regular Mail**

Rob Charles, Esq.
Lewis & Roca, LLP
3993 Howard Hughes Pkwy, Ste 600
Las Vegas, NV 89169

Re: *In re: USA Commercial Mortgage Company /
USACM Liquidating Trust*
Case No.: BS-S-06-10725-LBR
Local Rule 4001 Letter

Dear Mr. Charles:

This office has been retained by AmTrust Bank ("AmTrust") with respect to the above-referenced bankruptcy matter. It is my understanding that USACM Liquidating Trust is the successor to Debtor USA Commercial Mortgage Company ("Debtor"). This letter is being sent pursuant to Local Rule 4001, requiring that a party seeking relief from the automatic stay confer with debtor's counsel (or in this case, counsel for the Trust) in an effort to resolve the issue without further court action.

AmTrust seeks relief from the automatic stay with respect to certain real property located in the City of Temecula, County of Riverside, California, more fully described in Exhibit "A" attached hereto.

The Temecula property is owned by Ashby USA, LLC. AmTrust believes that the automatic stay does not apply to the Temecula Property because it is not property of the Debtor's estate. Among other things, the Debtor had no interest in the Temecula Property as of April 4, 2007 (the "Petition Date") and, consequently, the Temecula Property did not become part of the Debtor's bankruptcy estate upon the commencement of the Bankruptcy Case. Furthermore, there is no equity in the Property beyond the liens against the Property in favor of AmTrust.

AmTrust intends to file a Motion to for Relief From the Automatic Stay in order to exercise any and all of its state law rights and remedies as to its collateral. Pursuant to Local Rule 4001, I would like to confer with you within the next two business days to see if the Debtor has a proposal that will resolve this matter without the necessity of filing a motion. Absent such a proposal by the Debtor, AmTrust will file its Motion for Relief the Automatic Stay on or after October 15, 2009.

Rob Charles, Esq.

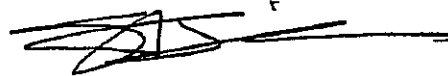
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October 12, 2009

If you have any questions or wish to discuss this matter further, please contact me at your convenience.

Very truly yours,

SIDHU LAW FIRM, LLC

A handwritten signature in black ink, appearing to be 'AS' followed by a long horizontal stroke.

Ambrish S. Sidhu, Esq.

cc: James A. Timko, Esq. (via e-mail)

EXHIBIT 2



Rob Charles
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996

Direct Dial: (702) 949-8320
Direct Fax: (702) 949-8321
RCharles@LRLaw.com
Admitted in: Arizona and Nevada

Our File Number: 47439-00001

October 13, 2009

VIA FACSIMILE

Ambrish S. Sidhu, Esq.
Sidhu Law Firm
810 S. Casino Center Blvd., Suite 104
Las Vegas, NV 89101

Re: *In re: USA Commercial Mortgage Company/USACM Liquidating Trust*
Case No.: BS-S-06-10725-LBR
Local Rule 4001 Letter

Dear Mr. Sidhu:

The USACM Liquidating Trust is the post-confirmation successor to USA Commercial Mortgage Company. The Trust does not assert any interest in certain real property located in the City of Temecula, County of Riverside, California (you did not attach Exhibit A to your letter). Accordingly, I see no reason for the Trust to be named in a motion for relief from the stay. Instead, as we previously discussed, confirmation of the plan of reorganization terminated the automatic stay and makes a request for relief from the automatic stay unnecessary.

I welcome your comments and questions.

Sincerely,

A handwritten signature in black ink, appearing to be "RC" or "R Charles".

Rob Charles

RC/r/c

copy: Geoffrey L. Berman, Trustee